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In re Application of
KITAMURA, et al.
U.S. Application No.: 10/531,917
PCT No.: PCT/JP03/13445
Int. Filing Date: 21 October 2003
Priority Date: 21 October 2002
Attorney Docket No.: 59216.1520
For: APPARATUS FOR CONTROLLING
AUTOMATIC TRANSMISSION

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's "Petition to Correct Application Classification Under C.F.R. 1.182" filed on 02 May 2005 in the United States Patent and Trademark Office (USPTO). As authorized, the petition fee will be charged to Deposit Account No. 50-2036.

Applicant claims that the above-captioned application was mistakenly filed under 35 U.S.C. 371 and requests to convert to a continuation application pursuant to section 1002.02(p)¹ of the Manual of Patent Examining Procedure (MPEP). A review of the above-captioned application file verifies that it was properly filed and processed by the USPTO under 35 U.S.C. 371. Applicant filed the application with a form PTO-1390, National stage transmittal letter and the filed English translation of the international application did not indicate that the filing was a continuation of co-pending international application. In addition, none of the other papers filed 19 April 2005 contain any indication that the application was intended as a 35 U.S.C. 111(a) application.

United States statutes and regulations do not make specific provisions for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

In the present petition, applicant has not made a showing that any loss of patent rights would occur if the above-captioned application remains a filing under 35 U.S.C. 371. Accordingly, the petition is **DISMISSED** for lack of showing of sufficient cause.

¹ MPEP section 1002.02(p) Petitions and Matters Decided by the PCT Legal Administrator.

(5) Petitions under 37 CFR 1.182 to convert a national application which was filed under 35 U.S.C. 371 to an application filed under 35 U.S.C. 111(a) or to convert a national application which was filed under 35 U.S.C. 111(a) to an application filed under 35 U.S.C. 371.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.



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